

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8642 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SELF EMPLOYED WOMEN'S ASSO

Versus

REGIONAL P.F COMMISSIONER

Appearance:

MS RANI ADVANI for Petitioners

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/10/97

ORAL JUDGEMENT

1. By this special civil application, the petitioners are praying for quashing and setting aside of the order dated 18th August, 1989 of the Regional Provident Fund Commissioner, Ahmedabad under which it has determined the Provident Fund dues under section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act, 1952').

2. The day on which this special civil application has been filed, the Central Government had not constituted the Employees' Provident Funds Appellate Tribunal under sec.7-D of the Act, 1952. Now the Tribunal has been constituted by the Central Government under the aforesaid provision.

3. Section 7-I of the Act, 1952 provides that any person aggrieved by an order passed by the Central Government or any authority under sub-section (1) of section 7-A may prefer an appeal to the Tribunal against that order.

4. The Tribunal has started to function as given out by the counsel for the Regional Provident Fund Commissioner yesterday in other matters. As the petitioners have a statutory appeal available against the order impugned in this special civil application, this petition now no more survives. The petitioners have to avail of that remedy.

5. In the result, this special civil application is dismissed. The petitioners in case file an appeal in the matter against the impugned order to the Appellate Tribunal within a period of one month from today, then the same shall not be dismissed on the ground of limitation and the authority shall decide the same on merits. Rule discharged. Interim relief, if any, granted by this Court stands vacated.
